IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.530 OF 2005
(For Leave to Appeal)

The State of Maharashtra — Appellant
vs.
1. Namdeo Parshuram Omale
and 44 ors. — Respondents

Ms.U.V.Kejriwal, APP for the State.

CORAM : R. M. LODHA &
R. S. MOHITE,JJ.

DATED : 21st February 2005

P.C.

Heard Ms.U.V.Kejriwal, the learned APP.

2. From the evidence on record it is apparent that 10 accused persons also sustained injuries. The prosecution evidence not only fails to explain injuries sustained by accused persons, but also does not establish clearly as to which of the group were aggressor. Though 8 prosecution witnesses sustained injuries, the deposition of PW-4 who examined these persons does not show that the injuries sustained by any of these persons were sufficient in the ordinary course of nature to cause death or were even grievous. We find that the learned trial Judge considered the evidence in the right perspective and on overall consideration of the matter the view of the learned trial Court that the

prosecution has not been truthful about the genesis of the dispute and that it appears that accused persons exercised their right of private defence is a possible view.

3. No case for grant of leave is made out.

4. Criminal application for leave to appeal is, accordingly, rejected.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)